



CASE 4-30811A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1614

MATTHEWS ET AL.

APPLICATION NO: 09/930,335

FILED: AUGUST 15, 2001

FOR: SPONTANEOUSLY DISPERSIBLE N-BENZOYL STAUROSPORINE
COMPOSITIONS

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Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir:

In response to the Office Action dated July 23, 2002, having a period for response set to expire October 23, 2002, making this response timely filed, Applicants respectfully request the following amendment be entered and the claims considered in light thereof.

IN THE SPECIFICATION

Please delete the words - - or WO 94/09211 - - from page 11 lines 25 and 28 of the Specification.

IN THE CLAIMS

Please amend claim 11 as follows:

- B1 11. (Amended) A pharmaceutical composition for oral administration comprising N-benzoylstaurosporine and having
- (a) a variability of bioavailability levels of N-benzoylstaurosporine of from 5 to 17%;
 - (b) an AUC (0-48h)/dose value (in (h·nmol/L)/(mg/kg)) of from 380 to 2000, or



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GAU 1614

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement request, dated July 23, 2002, Applicants respectfully request the following provisional election of claims as required by the Examiner under 35 U.S.C. § 121 be entered for prosecution in the present case.

The Examiner has identified two Groups of claims and requests one group to be elected by the Applicants for prosecution in the present application. The Groups identified by the Examiner are

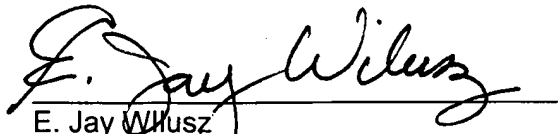
Group I, claims 1-9 and 11 drawn to a composition comprising N-benzoyl-staurosporine, a hydrophilic component and a surfactant, and

Group II, claims 10 and 12-13, drawn to a method of use with said composition.

In a telephonic interview on June 17, 2002, between the Applicants' representative and the Examiner, the Applicants provisionally elected claims for prosecution with traverse. Applicants herein affirm that they provisionally elect Group I, claims 1-9 and 11, with traverse, in order to preserve the Applicants' right of review at a later date.

Respectfully submitted,

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Date: *Oct. 23, 2002*